

C.A. No. 05-147 Erie

- (5) The Plaintiff only received two (2) receipts of payment for these transaction. see (attachment 3)
- (6) Note that when the Plaintiff filed his first complaint to the Eastern District of Pennsylvania, the Plaintiff never received a receipt for payment.
- (7) As of this Verification Motion, the Plaintiff has sent this Court an additional \$100.00 dollars to cover the remaining filing fee.
- (8) If there is a problem that this \$100.00 dollars will not be sufficient to cover the filing fee, please! correspond back and the Plaintiff will pay the remaining amount of the filing fee.
- (9) If this does happen please contact the Eastern District of Pennsylvania, so the Plaintiff can receive the lost funds that was extracted from the Inmate Fund Account.

CONCLUSION

If this Court will examine these documents, this Court will agree that the filing fee has been paid, and this Court will receive an additional \$100.00 dollars which will make \$500.00 dollars to cover both cases that has been filed in this court.

Respectfully submitted

/s/ Darryl Orrin Baker
Darryl Orrin Baker (pro-se)
Reg. No.# 19613-039
F.S.L. Elkton Ohio
P.O. Box 10
Lisbon, Ohio
44432-0010

EXECUTED: JULY 5, 2005

(ATTACHMENT 1)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARRYL ORRIN BAKER)	
Plaintiff)	
)	
)	C.A. No. 05-147 Erie
)	
UNITED STATES OF AMERICA, et al.)	
Defendants)	

NOTICE OF THE COURT

This is a civil rights suit filed by a prisoner in federal custody. By Report and Recommendation dated June 2, 2005, this Court recommended the dismissal of this action due to Plaintiff's failure to prosecute based upon his failure to pay the filing fee.

By Objections to the Report and Recommendation filed June 17, 2005, Plaintiff claims that he has paid the filing fee of \$250.00 and provides documentation to support this claim. However, the documentation demonstrates that Plaintiff has paid the filing fee in Civil Action Number 05-146E, not in the above-captioned case. Plaintiff has two cases presently pending in this Court and Plaintiff is responsible for the full filing fee in each case.

Therefore, this 27th day of June, 2005;

IT IS ORDERED that Plaintiff shall either pay the filing fee of \$250.00 or file a motion for leave to proceed in forma pauperis, along with supporting documentation, before July 11, 2005. Failure to comply with this Notice will result in the dismissal of this action for failure to prosecute as recommended in the Report and Recommendation.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

A handwritten signature in cursive script, reading "Susan Paradise Baxter", written in dark ink.

SUSAN PARADISE BAXTER
UNITED STATES MAGISTRATE JUDGE

cc: all parties of record

(ATTACHMENT 2)

Inmate Statement



Inmate Reg #: 19613039 Current Institution: Elkon FCI
 Inmate Name: BAKER, DARRYL Housing Unit: UNIT G-A
 Report Date: 06/07/2005 Living Quarters: G01-011U
 Report Time: 3:20:12 PM

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction	Encumbrance	Ending Balance
						Amount	Amount	
ELK	6/7/2005	70134201			Lockbox - CD	\$250.00		\$745.79
ELK	5:56:22 AM							
ELK	6/6/2005	ITS0606			ITS Withdrawal	(\$5.00)		\$495.79
ELK	9:38:52 PM							
ELK	6/6/2005	ITS0606			ITS Withdrawal	(\$1.00)		\$500.79
ELK	5:35:07 PM							
ELK	6/6/2005	IS0039			Payroll - UNICOR	\$56.24		\$501.79
ELK	8:47:44 AM							
ELK	6/3/2005	ITS0603			ITS Withdrawal	(\$4.00)		\$445.55
ELK	11:08:42 PM							
ELK	6/1/2005		2334		† Court Fees	(\$100.00)		\$449.55
ELK	3:24:02 PM							
ELK	6/1/2005	28			Sales	(\$72.50)		\$549.55
ELK	10:45:06 AM							
ELK	6/1/2005	70133801			Lockbox - CD	\$200.00		\$622.05
ELK	5:46:02 AM							
ELK	5/31/2005	ITS0531			ITS Withdrawal	(\$3.00)		\$422.05
ELK	10:37:25 PM							
ELK	5/30/2005	ITS0530			ITS Withdrawal	(\$5.00)		\$425.05
ELK	5:26:15 PM							
ELK	5/30/2005	70133703			Lockbox - CD	\$430.00		\$430.05
ELK	5:27:31 AM							
ELK	5/24/2005	ITS0524			ITS Withdrawal	(\$2.00)		\$0.05
ELK	4:34:24 PM							
ELK	5/24/2005	29			Sales	\$1.60		\$2.05
ELK	10:57:06 AM							
ELK	5/24/2005	28			Sales	(\$195.04)		\$0.45
ELK	10:54:04 AM							
ELK	5/21/2005	ITS0521			ITS Withdrawal	(\$2.00)		\$195.49
ELK	4:31:31 PM							
ELK	5/20/2005	ITS0520			ITS Withdrawal	(\$3.00)		\$197.49
ELK	4:30:46 PM							
ELK	5/17/2005	ITS0517			ITS Withdrawal	(\$5.00)		\$200.49
ELK	4:33:07 PM							
ELK	5/16/2005	DRR0516			Sales	\$4.80		\$205.49
ELK	8:05:47 AM							
ELK	5/14/2005	ITS0514			ITS Withdrawal	(\$1.00)		\$200.69
ELK	11:02:33 AM							
ELK	5/12/2005		2198		† Court Fees	(\$150.00)		\$201.69
ELK	3:55:45 PM							
ELK	5/11/2005	ITS0511			ITS Withdrawal	(\$5.00)		\$351.69
ELK	8:32:16 PM							
ELK	5/11/2005	3			Sales	(\$28.65)		\$356.69
ELK	10:29:22 AM							
ELK	5/7/2005	ITS0507			ITS Withdrawal	(\$5.00)		\$385.34
ELK	10:52:58 PM							
ELK	5/6/2005	ITS0506			ITS Withdrawal	(\$5.00)		\$390.34
ELK	9:27:45 PM							
ELK	5/4/2005	ITS0504			ITS Withdrawal	(\$4.00)		\$395.34
ELK	7:20:08 PM							
ELK	5/4/2005	127			Sales	(\$1.60)		\$399.34
ELK	1:47:59 PM							
ELK	5/3/2005	75			Sales	(\$6.76)		\$400.94
ELK	11:55:55 AM							
ELK	5/3/2005	73			Sales	(\$62.42)		\$407.70
ELK	11:50:43 AM							
ELK	5/2/2005	ITS0502			ITS Withdrawal	(\$1.00)		\$470.12
ELK	9:25:22 PM							
ELK	5/2/2005	IS0031			Payroll - UNICOR	\$70.15		\$471.12
ELK	8:15:39 AM							
ELK	5/1/2005	ITS0501			ITS Withdrawal	(\$5.00)		\$400.97
ELK	11:25:31 PM							
ELK	4/29/2005	ITS0429			ITS Withdrawal	(\$5.00)		\$405.97
ELK	5:54:24 PM							
ELK	4/29/2005	70131601			Lockbox - CD	\$100.00		\$410.97
ELK	5:27:21 AM							

ELK	4/26/2005	ITS0426	ITS Withdrawal	(\$5.00)	\$310.97
	9:44:52 PM				
ELK	4/23/2005	ITS0423	ITS Withdrawal	(\$5.00)	\$315.97
	11:06:57 PM				
ELK	4/23/2005	ITS0423	ITS Withdrawal	(\$2.00)	\$320.97
	9:43:44 PM				
ELK	4/20/2005	ITS0420	ITS Withdrawal	(\$3.00)	\$322.97
	11:00:16 PM				
ELK	4/19/2005	ITS0419	ITS Withdrawal	(\$5.00)	\$325.97
	10:53:03 PM				
ELK	4/19/2005	ITS0419	ITS Withdrawal	(\$5.00)	\$330.97
	5:50:01 PM				
ELK	4/16/2005	ITS0416	ITS Withdrawal	(\$3.00)	\$335.97
	10:32:22 AM				
ELK	4/15/2005	ITS0415	ITS Withdrawal	(\$2.00)	\$338.97
	11:13:10 PM				
ELK	4/14/2005	ITS0414	ITS Withdrawal	(\$5.00)	\$340.97
	11:09:32 PM				
ELK	4/13/2005	ITS0413	ITS Withdrawal	(\$5.00)	\$345.97
	6:03:21 PM				
ELK	4/12/2005	ITS0412	ITS Withdrawal	(\$5.00)	\$350.97
	4:48:58 PM				
ELK	4/10/2005	ITS0410	ITS Withdrawal	(\$5.00)	\$355.97
	10:23:43 PM				
ELK	4/5/2005	ITS0405	ITS Withdrawal	(\$5.00)	\$360.97
	10:46:12 PM				
ELK	4/5/2005	22	Sales	(\$159.06)	\$365.97
	10:44:41 AM				
ELK	4/4/2005	IS0028	Payroll - UNICOR	\$44.11	\$525.03
	9:04:26 AM				
ELK	4/2/2005	ITS0402	ITS Withdrawal	(\$5.00)	\$480.92
	11:49:30 AM				
ELK	4/1/2005	1775	Court Fees	(\$150.00)	\$485.92
	1:25:04 PM				

1 2 3

Total Transactions: 148

Totals: \$744.87 \$0.00

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
ELK	\$745.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$745.79
Totals:	\$745.79	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$745.79

(ATTACHMENT 3)

UNITED STATES
DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
ERIE Division

00500380 - MD *MD*
June 8, 2005

Code	Case #	Qty	Amount
1ST CIVI 05-146e			40.00 CH
2ND CIVI 05-146e			60.00 CH

TOTAL → 100.00

FROM: US TREASURY
AUSTIN TX
DARRYL BAKER

UNITED STATES
DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA
ERIE Division

00500348 - MD *MD*
May 20, 2005

Code	Case #	Qty	Amount
1ST CIVI 05-146e			150.00 CH

TOTAL → 150.00

FROM: US TREASURY
AUSTIN TX
DARRYL BAKER